REMARKS/ARGUMENTS

1. SUMMARY OF THE OFFICE ACTION

The Examiner rejected claims 7 - 13 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The Examiner has rejected claims 1 - 30 under 35 U.S.C. 103(a) as being obvious in light of one or more combinations of the following references: U.S. Patent No. 6,366,970 to Wolff et al. (Hereinafter, "Wolff"); U.S. Patent Application Publication having Publication No. 2001/0034786 to Baumeister et al. (hereinafter, "Baumeister"); U.S. Patent No. 6,708, 213 to Bommaiah et al. (hereinafter, "Bommaiah"); and U.S. Patent No. 6,744,763 to Jones et al. (hereinafter, "Jones").

2. RESPONSE TO § 101 REJECTIONS

The Examiner rejected claims 7 - 13 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Accordingly, claims 7 - 13 have been canceled and claims 31 - 36 have been newly added.

3. RESPONSE TO § 103 REJECTIONS

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Claims 1 - 7 and 14 - 37 are not obvious in view of the references cited by the Examiner, because none of the references cited, when considered singularly or in combination, disclose or suggest each and every limitation of independent claims 1, 14, 21 and 31.

According to claim 1,

> A computer system for providing streaming media in one of a plurality of streaming media protocols includes:
>
> a first plurality of interfaces configured to initiate reading of packet meta-data and packets of payload data from a memory; and
>
> **a second plurality of interfaces configured to output streaming media packets to a client system** at a requested pace, **wherein the streaming media packets** comprise the packet meta-data and the packets of payload data, and **are determined in response to a streaming media protocol requested by the client system**;
>
> wherein the packet meta-data and the packets of payload data are read from the memory at a pace independent of the requested pace for the streaming media packets, and
>
> **wherein the second plurality of interfaces support more than one streaming media protocol**.

(Claim 1 as amended, emphasis added)

Claim 1 is directed to a computer system for providing streaming media in one of a plurality of streaming media protocols. Accordingly, a computer system consistent with claim 1 includes a plurality of interfaces configured to output streaming media packets, to a client system, determined in response to a streaming media protocol requested by the client system. Furthermore, the plurality of interfaces supports more than one streaming media protocol.

None of the references cited by the Examiner disclose the elements of claim 1 that are emphasized above. In particular, neither Wolff, Baumeister, Bommaiah, Jones, nor Loguinov disclose or suggest a computer system with a plurality of interfaces configured to output streaming media packets determined in response to a streaming media protocol requested by a client system.

However, the Examiner has suggested that the above limitation from claim 1 is disclosed in Baumeister.

In particular, the Examiner has stated:

> Baumeister teaches a method and system for streaming media data in a heterogeneous network environment where a stream server portal generates the streaming meta-data and payload data of the requested protocol and streams it to the client.

(Office Action mailed January 6, 2005).

In addition, in support of the contention that Baumeister discloses the limitations emphasized above, the Examiner has referenced paragraph 27 of Baumeister, which states:

> The Stream Server/Media Player may be any standard streaming product as currently available on the market like RealNetworksServer/Player, MicrosoftNetShowServer/Player, AppleQuickTime/Player, IBM Videcharger/Player.

(Baumeister, Paragraph 27).

Baumeister discloses a system for streaming media data. The system includes a Stream Server Portal and one or more Stream Servers. Each Stream Server may be capable of streaming media data of a particular type (i.e., using a particular streaming media protocol). For example, the Stream Server may be any one of the products listed in Paragraph 27. However, Baumeister does not disclose or suggest that any one Stream Server is capable of streaming media data of more than one type (i.e., using more than one streaming media protocol). Moreover, Baumeister does not disclose or suggest that two Stream Servers capable of streaming media data of different types are hosted on the same server computer.

Instead, according to Baumeister, support for multiple streaming media protocols is achieved by hosting multiple Stream Servers on multiple server

computers. Accordingly, when the Stream Server Portal receives a request for a particular streaming media protocol, the Stream Server Portal may 1) determine which Stream Server (e.g., server computer) is capable of handling the type of media (e.g., streaming media protocol) requested, and 2) forward the request to the particular Stream Server (e.g., server computer).

In particular, Baumeister states:

> [0038] **The Stream Server Portal component is mainly responsible for choosing a suitable Stream Server Controller based on the Stream Server controller it knows. This decision can be based on the ability of the related Stream Server to stream the type of media at all,** the cache content of the stream server controller, the current utilization of the associated Stream Server, the locality of the associated Stream Server to the client request, etc.
>
> ...
>
> [0041] **The implementation in FIG. 3 shows a preferred embodiment of the Stream Server Portal in a network environment using different Stream Servers. The Stream Servers, media data, Stream Server Portal and the appropriate applications are stored/installed on different servers.** The protocol for calling streaming service from the Stream Server Portal initiated by the application may be RMI (Remote method invocation protocol used for Java environments) or IIOP (Remote method invocation protocol used for CORBA) or RPC (Remote Procedure Protocol)or HTTP (used in the Internet environment). This applies accordingly to the communication between the Stream Server Portal and the Stream Server Controllers.
>
> ...
>
> [0046] Based on the information the Stream Server Portal receives from the program or Media Player, **a suitable Stream Server will be chosen (30). The Stream Server Portal** invokes a Stream Server Controller related to the selected Stream Server and **passes the address information of the media data and optionally additional information to it (40).**

(Baumeister, Paragraphs 38, 41 and 46).

Accordingly, the system described in Baumeister may support streaming media protocols associated with any one or more of the streaming media products identified in Paragraph 27, but not from a plurality of interfaces on the same computer. That is, the system described in Baumeister can only support different streaming media protocols with Stream Servers operating on different server computers. Accordingly, Applicants submit that none of the references cited by the Examiner, including Baumeister, disclose or suggest a computer system with a plurality of interfaces that support more than one streaming media protocol by outputting streaming media packets determined in response to a streaming media protocol requested by a client system, as is recited in claim 1. Consequently, Applicants submit that claim 1 is not obvious in view of any combination of the references cited by the Examiner. For the same reasons, Applicants submit that independent claims 14, 21 and 31 are not obvious in view of the references cited by the Examiner. Furthermore, dependent claims 2-7, 15-20 and 32 - 36 are not obvious in light of the references cited by the Examiner.

Claims 1- 30 are not obvious in view of the references cited by the Examiner, because there is no motivation to combine the references in the manner that the Examiner has suggested.

In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a ***prima facie*** case of obviousness. When determining obviousness, "the [E]xaminer can satisfy the burden of showing obviousness of the combination 'only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.'" **In re Lee**, 277, F.3d 1338, 1343, 61 USPQ2d 1430, 1434 (Fed. Cir. 2002), citing **In re Fritch**, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992). The examiner may not, because of doubt that the invention is patentable, resort to speculation, unfounded assumption or hindsight reconstruction to supply deficiencies in the factual basis for the rejection. **See In re Warner**, 379 F.2d 1011, 1017, 154 USPQ

173, 177 (CCPA 1967), cert. denied, 389 U.S. 1057 (1968). "Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence.'" In re Dembiczak, 175 F.3d 994, 999, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

In the Office Action mailed January 6, 2005, the Examiner has suggested as a motivation for the combination of Wolff and Baumeister the following:

> Providing support for multiple, proprietary streaming media format (sic) alleviates compatibility problems. It also affords the users with greater flexibility in choosing the streaming media format best suited for their needs.

(Office Action mailed January 6, 2005).

Applicants' invention generally relates to a computer system (and related methods) for utilizing various streaming media protocols to stream media data. That is, various embodiments of the Applicants' invention provide support for multiple streaming media formats from a (e.g., **ONE**) computer system. On the other hand, Baumeister is related to a system for streaming media data in a heterogeneous network. Baumeister describes a Stream Server Portal that selects an appropriate Stream Server (e.g., server computer) to handle requests received from clients. According to Baumeister, several server computers operating different Stream Servers are required to support multiple streaming media protocols. Consequently, the Examiner's suggested motivation to combine is not supported, or suggested, by Baumeister. That is, Baumeister does not disclose or suggest a single computer system capable of supporting multiple streaming media protocols.

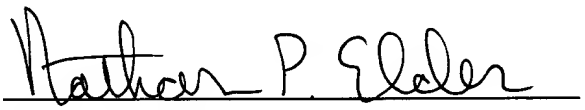
Moreover, Wolff is generally related to a computer system that is optimized for handling the **receipt** of incoming streaming media data, thereby avoiding buffer overruns when receiving data. For example, Wolff does not disclose or suggest writing or reading data to/from a disk, as is stated in independent claims 14 and 21. Consequently, Applicants submit that one skilled

in the art would not be motivated to combine the teachings of Wolff and Baumeister. Accordingly, Applicants submit that claims 1 - 7 and 14 - 36 are not obvious in light of the references cited by the Examiner.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicants hereby request such an extension.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: April 4, 2005



Nathan P. Elder
Reg. No. 55,150

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 947-8200

AMENDMENTS TO THE DRAWINGS

The attached drawing sheets include changes to Fig 1A, 1B, 4B and 4D. In each figure, a reference number has been added, or changed.

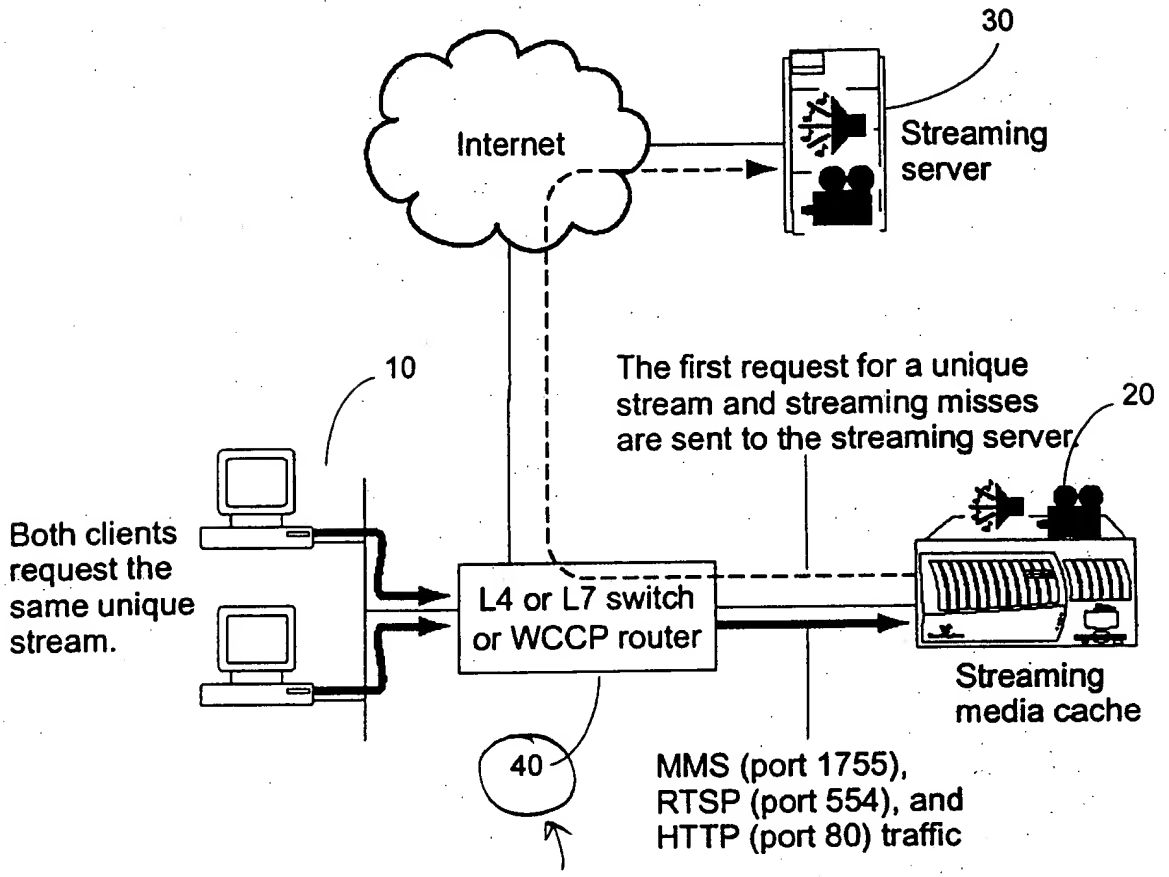

30
Internet
Streaming server
10
The first request for a unique stream and streaming misses are sent to the streaming server.
20
Both clients request the same unique stream.
L4 or L7 switch or WCCP router
Streaming media cache
40
MMS (port 1755), RTSP (port 554), and HTTP (port 80) traffic
Reference Numbers Changed

FIG. 1A

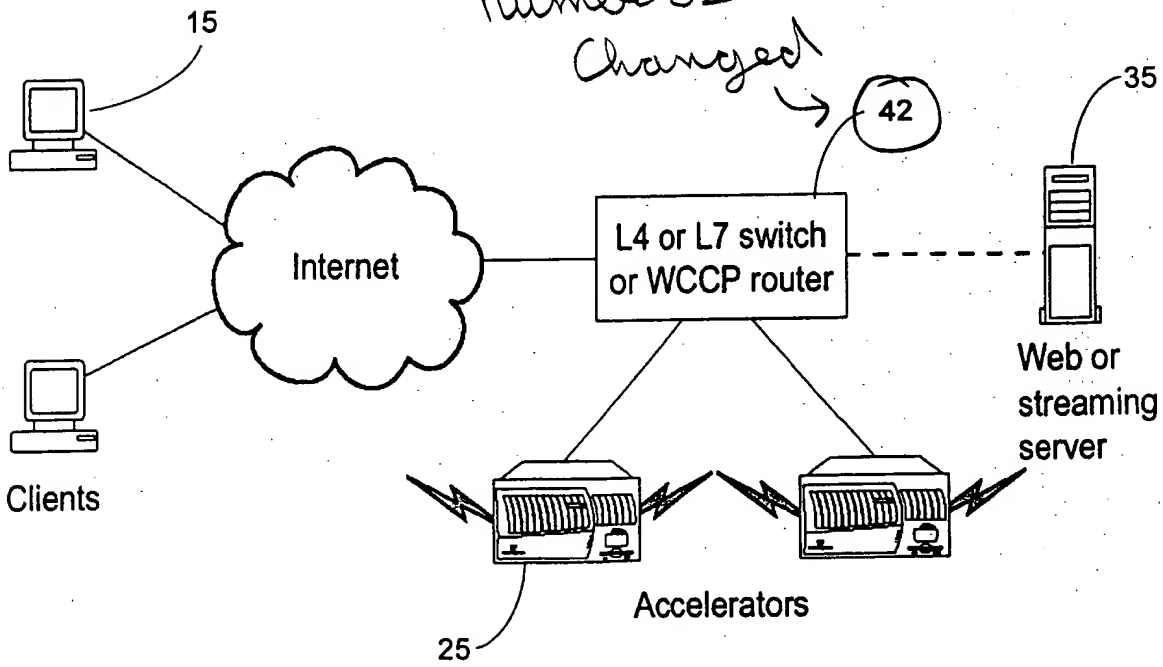

15
42
35
Internet
L4 or L7 switch or WCCP router
Web or streaming server
Clients
Accelerators
25

FIG. 1B

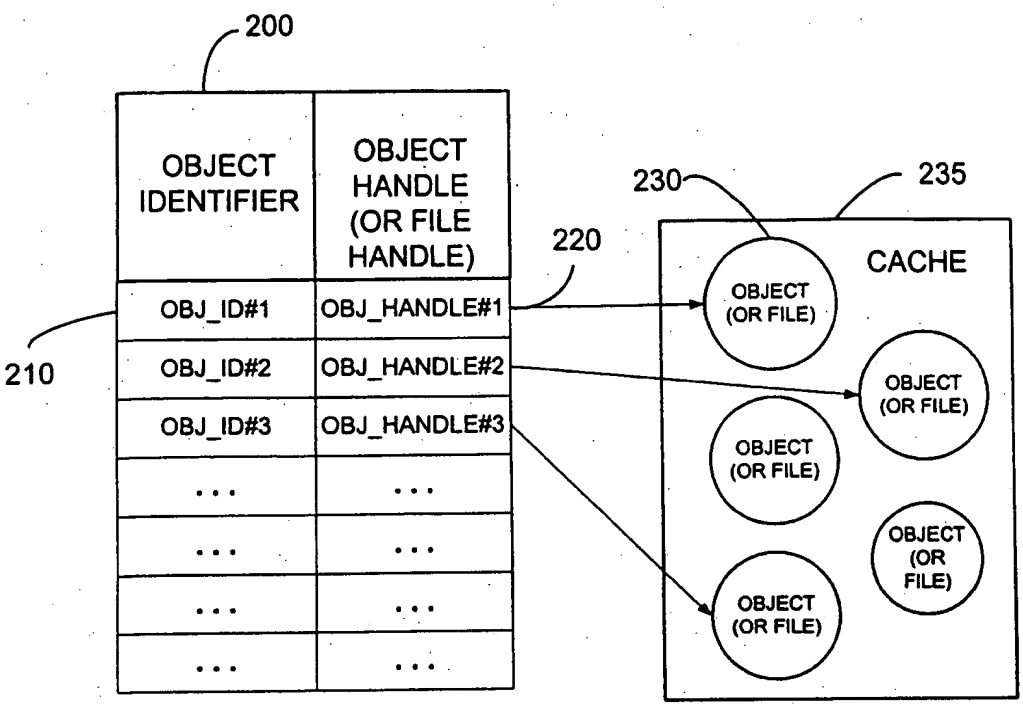

200
OBJECT IDENTIFIER
OBJECT HANDLE (OR FILE HANDLE)
OBJ_ID#1
OBJ_HANDLE#1
OBJ_ID#2
OBJ_HANDLE#2
OBJ_ID#3
OBJ_HANDLE#3
210
220
230
235
CACHE
OBJECT (OR FILE)
OBJECT (OR FILE)
OBJECT (OR FILE)
OBJECT (OR FILE)
OBJECT (OR FILE)

FIG. 4A

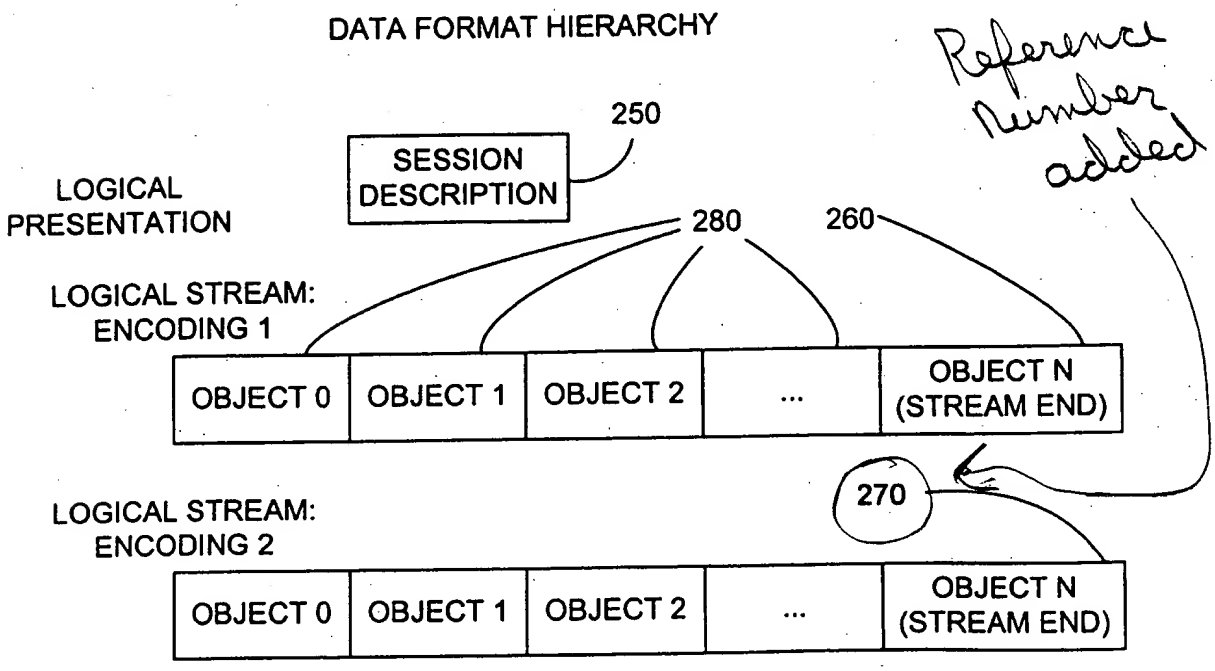

DATA FORMAT HIERARCHY
Reference Number added
250
SESSION DESCRIPTION
LOGICAL PRESENTATION
280
260
LOGICAL STREAM: ENCODING 1
OBJECT 0
OBJECT 1
OBJECT 2
...
OBJECT N (STREAM END)
270
LOGICAL STREAM: ENCODING 2
OBJECT 0
OBJECT 1
OBJECT 2
...
OBJECT N (STREAM END)

FIG. 4B

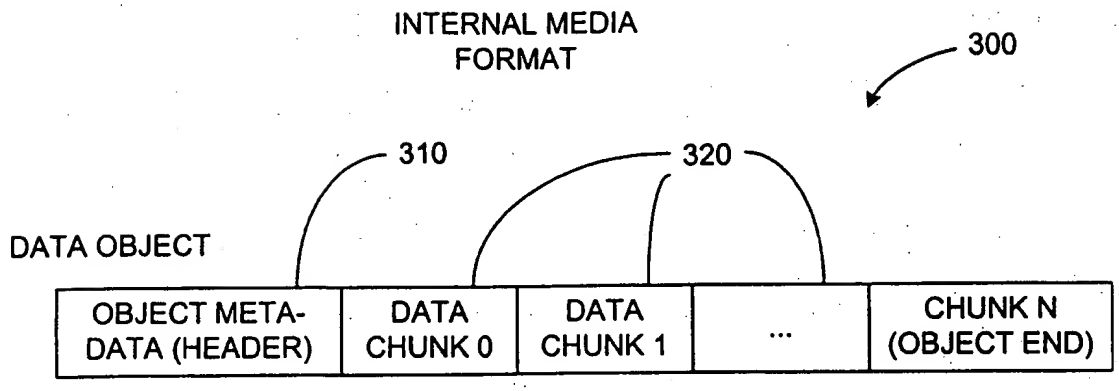

INTERNAL MEDIA FORMAT
300
310
320
DATA OBJECT
OBJECT META-DATA (HEADER)
DATA CHUNK 0
DATA CHUNK 1
...
CHUNK N (OBJECT END)

FIG. 4C

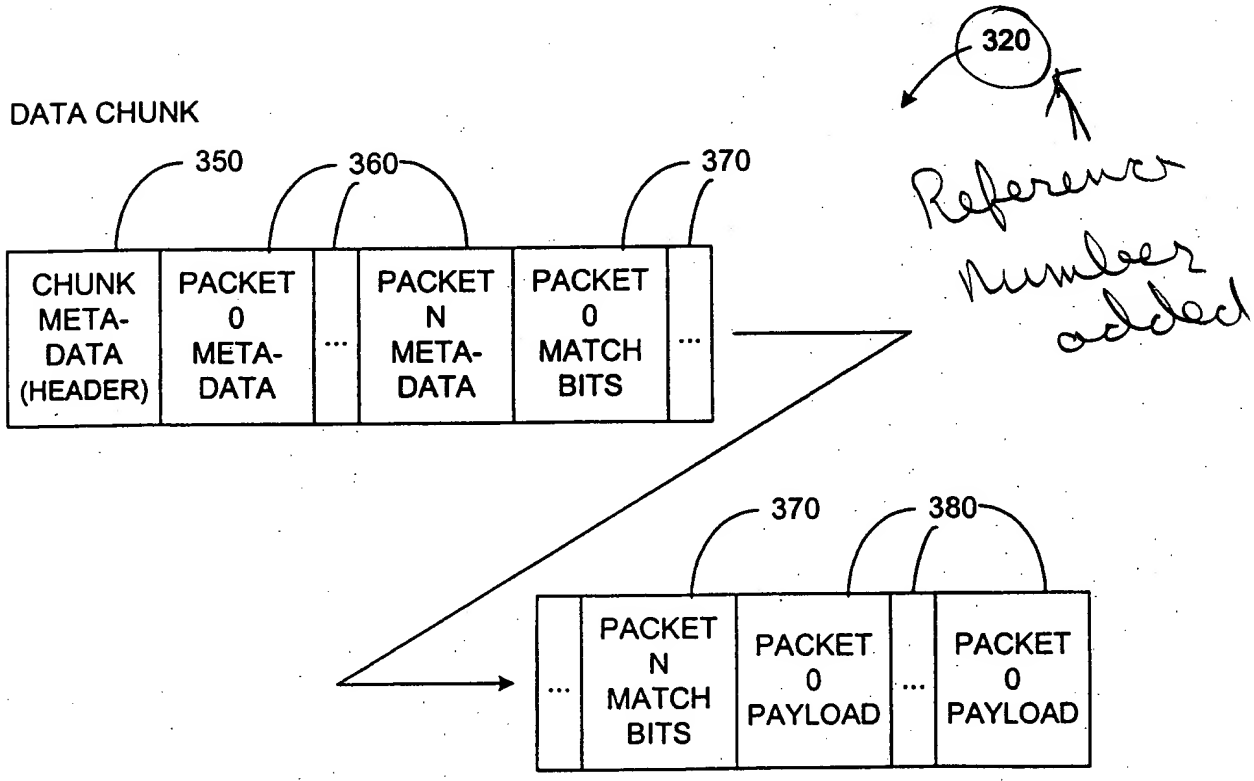

320
Reference Number added
DATA CHUNK
350
360
370
CHUNK META-DATA (HEADER)
PACKET 0 META-DATA
...
PACKET N META-DATA
PACKET 0 MATCH BITS
...
370
380
...
PACKET N MATCH BITS
PACKET 0 PAYLOAD
...
PACKET 0 PAYLOAD

FIG. 4D